

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 563

Introduced by Assembly Member Cook

February 25, 2009

An act to amend Section 18707 of the Revenue and Taxation Code, relating to taxation, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 563, as amended, Cook. Personal income taxes: contributions: California Military Family Relief Fund.

The Personal Income Tax Law allows taxpayers, until January 1, 2015, to designate on their tax returns that a specified amount in excess of their tax liability be contributed to the California Military Family Relief Fund to provide financial aid grants to eligible reserve members of the Armed Forces of the United States who are California residents and requires all moneys transferred to the fund, upon appropriation by the Legislature, to be allocated as specified.

This bill would require moneys transferred to the fund, upon appropriation by the Legislature and after allocations to the Franchise Tax Board and the Controller, to be allocated to the state Military Department for the establishment of financial aid grants provided to

California National Guard members and reserve members of the Armed Forces of the United States, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18707 of the Revenue and Taxation Code
2 is amended to read:
3 18707. All moneys transferred to the California Military Family
4 Relief Fund, upon appropriation by the Legislature, shall be
5 allocated as follows:
6 (a) To the Franchise Tax Board and the Controller for
7 reimbursement of all costs incurred by the Franchise Tax Board
8 and the Controller in connection with their duties pursuant to this
9 article.
10 (b) (1) To the state Military Department for the establishment
11 of financial aid grants to California National Guard members and
12 reserve members of the Armed Forces of the United States who
13 are California residents, and who have been called to active duty.
14 The state Military Department shall establish eligibility criteria
15 for the grants.
16 (2) It is the intent of the Legislature that every qualified
17 California National Guard or reserve member, regardless of branch,
18 in need of emergency assistance be able to receive a grant.
19 (3) In addition to criteria established by the state Military
20 Department pursuant to paragraph (1), the California National
21 Guard members and reserve members of the Armed Forces of the
22 United States who are California residents shall show proof of all
23 of the following to be eligible to receive a grant:
24 (A) Membership in the California National Guard or a reserve
25 component of the Armed Forces of the United States.
26 (B) Residency in California.
27 (C) Deployment to active duty for at least 60 consecutive days.
28 (D) One of the following:
29 (i) The military salary of the member, combined with any
30 ongoing partial receipt of civilian salary, has decreased by 10
31 percent or more from the member's civilian salary, or the

1 household income of the member's family has decreased by 10
2 percent or more from the member's household income prior to
3 deployment.

4 (ii) The member, within six months of returning from active
5 duty, has experienced a 10-percent loss, or greater, in income,
6 compared to predeployment income, as a direct result of
7 deployment.

8 (iii) The member was injured while serving on active duty and
9 has been discharged from federal active duty and is actively seeking
10 assistance through the United States Department of Veterans'
11 Affairs with regard to disability compensation benefits or treatment,
12 or both. Application for a cash grant under this section shall be
13 submitted within 18 months of being released from federal military
14 active duty, along with written substantiation demonstrating that
15 the member's current financial hardship is a direct result of a
16 military deployment and an injury sustained during the deployment.

17 (4) Grants awarded pursuant to this article may only be used
18 for any of the following: food, housing, child care, utilities, medical
19 services, medical prescriptions, insurance, and vehicle-related
20 payments.

21 (5) California National Guard members and reserve members
22 of the Armed Forces of the United States who are California
23 residents shall not be eligible to receive a grant if the member
24 receives a punitive discharge or an administrative discharge with
25 service characterized as under other than honorable conditions.

26 (6) Reserve members of the Armed Forces of the United States
27 who are awarded grants pursuant to this article may be required
28 to receive counseling, within a specified time period, as a condition
29 of the grants.

30 *SEC. 2. This act is an urgency statute necessary for the*
31 *immediate preservation of the public peace, health, or safety within*
32 *the meaning of Article IV of the Constitution and shall go into*
33 *immediate effect. The facts constituting the necessity are:*

34 *In order to provide immediate financial aid grants to California*
35 *National Guard members and reserve members of the Armed*
36 *Forces of the United States who are California residents, it is*
37 *necessary that this act take effect immediately.*